

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
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ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 11/8/2021

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Chubb Seguros Ecuador S.A. as subrogor of
Earthfructifera CIA. LTDA,

Plaintiff,

-against-

Lan Cargo S.A. & Kuehne + Nagel S.A.,

Defendants.
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1:20-CV-4642 (ALC)

ORDER OF DISMISSAL

ANDREW L. CARTER, JR., United States District Judge:

Plaintiff filed the Complaint in this case on June 17, 2020. ECF No. 1. After approximately one year, on June 4, 2021, the Court had not received notice that the Complaint had been served on Defendant Kuehne + Nagel S.A. and then issued an Order to Show Cause why this action should not be dismissed in its entirety as to Defendant Kuehne + Nagel S.A. under Federal Rule of Civil Procedure 4(m). ECF No. 22. Fed. R. Civ. P. 4(m) provides plaintiffs 90 days to perfect service on defendants. To date, Plaintiff has not provided any notice or proof of service to the Court and has also failed to respond to the Court's Order to Show Cause dated June 4, 2021.

"If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Because Plaintiff has not provided proof of service to the Court or responded to the Court's Order to Show Cause under Rule 4(m), this action is hereby **DISMISSED WITHOUT PREJUDICE** as to Defendant Kuehne + Nagel S.A.. The Clerk of Court is respectfully directed to terminate Defendant Kuehne + Nagel S.A. from this case.

SO ORDERED.

**Dated: November 8, 2021
New York, New York**



**ANDREW L. CARTER, JR.
United States District Judge**